

05-02-01

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CPA/1617 #

MAY 01 2001

## CONTINUED PROSECUTION APPLICATION (CPA)

## REQUEST TRANSMITTAL (Small Entity)

Submit an original, and a duplicate for fee processing.

Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

MAY 04 2001

Docket No.

PTO-0012

TECH CENTER 1600/2900

☐ DUPLICATE (Check box if applicable)

First Named Inventor

Examiner

Group/Art Unit

Michael A. Adams

S. Wang

1617

## Address to:

Assistant Commissioner for Patents

Box CPA

Washington, D.C. 20231

This is a request for filing a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 09/177,711 filed on October 23, 1998 and entitled:

Combination Therapy for Treatment of Erectile Dysfunction

1. ☒ Enter the unentered amendment previously filed on April 6, 2001 under 37 CFR 1.116 in the prior nonprovisional application.

2. ☐ A preliminary amendment is enclosed.

3. ☐ This application is being filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).

a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:

05/03/2001 SDIRETA1 00000033 501619 09177711

01 FC:231  
02 FC:203355.00 CH  
9.00 CH

b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

4. ☐ A new power of attorney or authorization of agent is enclosed.

5. ☒ Small Entity Status:

a. ☐ A small entity statement is enclosed.

b. ☒ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.

6. ☒ The fee for this application is calculated as follows:

## CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	21	- 20 =	1	x \$9.00	\$9.00
Ind p. Claims	2	- 3 =	0	x \$40.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$355.00
TOTAL FILING FEE					\$364.00

**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Small Entity)**  
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7. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to  
Deposit Account No. 50-1619

- ☒ fees required under 37 C.F.R. 1.16.
- ☒ fees required under 37 C.F.R. 1.17.
- ☐ fees required under 37 C.F.R. 1.18.

8. ☐ A check in the amount of \_\_\_\_\_ is enclosed.

9. ☐ An Information Disclosure Statement (IDS) is enclosed:

- a. ☐ PTO-1449
- b. ☐ Copies of IDS Citations

10. ☒ Also enclosed:

**Certificate of Express Mailing**  
**Return postcard**

11. ☒ The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below:

**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Small Entity)**  
**(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))**

**NOTES**

**Submit an original, and a duplicate for fee processing.**

**FILING QUALIFICATIONS:** The prior application must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 USC 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the Applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or application in the file jacket.

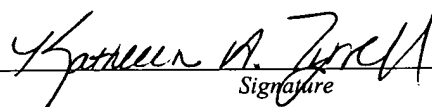
**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

Dated: May 1, 2001



26259

PATENT TRADEMARK OFFICE

  
Signature

Kathleen A. Tyrrell

Typed or printed name

38,350

Registration Number (if applicable)

- ☐ Inventor(s)  
☐ Assignee of complete interest  
☒ Attorney or agent of record

CC:

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Adams et al.

Docket No.

PTQ-0012

Serial No.

09/177,711

Filing Date

October 23, 1998

Examiner

S. W. TECH CENTER

Group Art Unit

1617

Invention: Combination Therapy for Treatment of Erectile Dysfunction

MAY 01 2001

I hereby certify that the following correspondence:

Continued Prosecution Application (CPA) Request Transmittal (in duplicate); authorization to charge deposit account \$364.00 for filing fee; and return postcard.

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

May 1, 2001

(Date)

Kathleen A. Tyrrell, Reg. No. 38,350

(Typed or Printed Name of Person Mailing Correspondence)

Kathleen A. Tyrrell

(Signature of Person Mailing Correspondence)

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